

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 2037

H. P. 1617

House of Representatives, June 14, 1973

Reported by Mr. Bither from Committee on Education and printed under
Joint Rules No. 18.

E. LOUISE LINCOLN, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

AN ACT Relating to Representation of Boards of School Directors.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the United States District Court has ordered School Administrative District #1 to prepare a plan for the reapportionment of the board of directors; and

Whereas, the reapportionment plan must meet the ground rules established by the United States Supreme Court; and

Whereas, such a reapportionment would be in conflict with existing Maine statutes; and

Whereas, all School Administrative Districts may have their actions challenged because of disproportionate representation from towns within a School Administrative District; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. R. S., T. 20, § 215, sub-§ 3, amended. The 4th sentence, ^{is} ~~is~~ amended, the 5th and 6th sentences, as enacted by section 1 of chapter ¹⁷¹ ~~205~~

of the public laws of 1967 and the 8th sentence of subsection 3 of section 215 of Title 20 of the Revised Statutes, are amended to read as follows:

The purpose of the meeting shall be to determine a fair and equitable number of school directors ~~to be elected by and to represent each participating municipality and to determine the~~ to represent the citizens in designated sections of the district. Section boundaries shall be determined by majority vote of those present, and procedures set forth in the method of representation in section 301 shall be followed. The date upon which all municipalities shall vote on the articles of district formation submitted by the state board shall also be determined at the joint meeting. The date set shall be at least 60 days from the date of the meeting and no other date shall be used for voting in the original vote on the questions of district formation. In the respective warrants the municipal officers shall direct that the town meeting or city election shall open at 7:30 in the afternoon, except that any unit voting on the questions of district formation under Title 30, ~~section~~ sections 2061 to 2064, for the purpose of electing the directors shall open the polls on the specified day at 10:00 a.m. and shall close the polls at 7:00 p.m.

When a decision has been reached on the total number of school directors and the ~~number to represent each municipality~~ representation for each section, within the limitations provided, this shall be reduced to writing by the secretary and must be passed by a vote of $\frac{2}{3}$ of those present.

Sec. 2. R. S., T. 20, § 215, sub-§ 4, amended. The 3rd and 4th paragraphs of subsection 4 of section 215 of Title 20 of the Revised Statutes is amended to read as follows:

Article : To see if the municipality will vote to approve the allocation of representation among the municipalities within the district on the Board of School Directors as recommended by the school committees and municipal officers and listed as follows: The total number of directors shall be . . . and the town of shall be entitled to directors, etc

Article : To choose _____ school director(s) to represent the town (number) section(s) on the board of school directors of the School Administrative District.

Sec. 3. R. S., T. 20, § 301, amended. The 2nd sentence of section 301 of Title 20 of the Revised Statutes is repealed as follows:

~~No municipality within any School Administrative District shall have less than one director to be elected by the municipality.~~

Sec. 4. R. S., T. 20, § 301, amended. Section 301 of Title 20 of the Revised Statutes, as amended by section 1 of chapter 100 of the public laws of 1965, is further amended by adding at the end the following:

All districts not in compliance with the one-man, one-vote principle shall, when requested, change the method of representation, and the school committees and municipal officers shall determine the boundaries of the sections within the district to comply with the one-man, one-vote principle at the meeting called for in section 215.

Method of representation: A school director shall represent a section of the district. A section is defined as a municipality, or municipalities, or parts thereof, whose boundaries shall be determined in the manner set forth below.

Whenever the representation on the board of school directors is not in compliance with the one-man, one-vote principle, the state board shall, upon request, require the school directors to change the method of representation on the board of directors by proceeding as follows: Within 30 days the directors shall call a meeting which shall include the municipal officers of each municipality, the board of directors, and 2 representatives from each municipality chosen at large by its municipal officers. The school directors shall give at least 15 days' notice to each municipality of the meeting date, time, and its purpose. At least a majority of the eligible members must be present before action can be taken. If a majority of eligible members fail to attend the meeting, the directors shall forthwith issue the call for a new meeting. The chairman of the board of directors shall act as chairman of the meeting, and the superintendent of schools shall serve as secretary of the meeting and shall accurately record all votes. The record of the meeting shall become a part of the official record and minutes of the school directors.

At the joint meeting, determination shall be made of:

1. The total number of directors to represent the district;
2. A finding of fact shall be made of the population of each of the municipalities within the district and the total for the district from the latest Federal Decennial Census. The district shall be divided into sections of equal population as near as practicable. The total population of a district shall be divided by the number of directors to determine a median population figure for each section;
3. Each section, whose boundaries shall be specified by a majority vote of the eligible members present, shall be represented by one director, provided that in a municipality comprised of 2 or more sections, the joint meeting may authorize the election of directors at large;
4. Sections shall as far as practicable be composed of whole municipalities. When it is not possible, the municipal officers of a municipality that is split shall provide a separate voting place for each part of the municipality;
5. Municipal officers shall call special elections within 30 days of the date of notification by the board of school directors for the purpose of electing directors to serve sections as set forth in the reapportionment plan for the School Administrative District;
6. Nomination papers for the position of school director shall be furnished to candidates of each section by the secretary of the School Administrative District. Notwithstanding any other section of Title 20 to the contrary, directors shall be nominated from each designated section by obtaining a minimum of 25 and a maximum of 50 signatures of registered voters residing within the section. The secretary of the School Administrative District shall be responsible for notifying the municipal officers of the names of candidates in each section;

7. The municipal officers shall prepare ballots to be used in their municipality for the election of school directors;

8. The town clerks of each municipality shall forward to the secretary of the School Administrative District the results of the vote on the candidates for the board of school directors in each section. The board of directors shall meet and shall total the votes cast for each candidate within each section specified within the School Administrative District and shall forthwith notify the town clerks in each municipality, the candidates, and the commissioner of the results of the vote;

The newly elected directors shall meet and shall draw lots for the length of term as specified in section 302. The newly elected directors shall forthwith be sworn into office;

9. The terms of the school directors elected from the various municipalities under the original town representation system shall cease on the date that the newly elected directors from a section are elected and sworn into office;

10. When a vacancy on the board of directors occurs, the board of directors shall fill the vacancy by appointing a citizen from that particular section within the school administrative district to serve until the next annual election of the municipalities within the district. The person so chosen shall serve until his successor is elected and qualified. If any director moves his domicile from the section which he represents or is absent from board meetings for a period of 90 days, a vacancy shall be declared and a new director appointed within 30 days.

Sec. 5. R. S., T. 20, § 302, amended. The first sentence of the 2nd paragraph of section 302 of Title 20 of the Revised Statutes is amended to read as follows:

The directors shall serve their terms as determined at the organizational meeting and an additional period until the next regular election of the ~~municipality~~ municipalities.

Sec. 6. R. S., T. 20, § 303, repealed. Section 303 of Title 20 of the Revised Statutes, as amended by chapter 92 of the public laws of 1969, is repealed.

Emergency clause. In view of the emergency cited in the preamble, this Act shall become effective when approved.

STATEMENT OF FACT

The intent of this Act is to make it possible for existing School Administrative Districts to reapportion the number of school directors so that each director will represent substantially the same number of citizens.